



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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May 2, 2017

**BY ECF**

Honorable Cheryl L. Pollack  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Rodney Smith, et al. v. City of New York, et al.  
15-CV-03859 (PKC) (CLP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and one of the attorneys assigned to represent Defendants City of New York, Joseph Ponte, and William Clemons in the above-referenced matter. Defendants write to respectfully request that the upcoming settlement conference scheduled for May 3, 2017 be converted to a status conference. Plaintiffs' counsel, Robert Marinelli, Esq, does not consent to this request as he believes that a status conference will not be fruitful. The Court previously granted five requests for an adjournment of the settlement conference.

The settlement conference concerns the allegations brought by 22 Plaintiffs that they were subjected to excessive force by correction officers on or about February 16, 2015, inside the Otis Bantum Correctional Center on Rikers Island. On February 21, 2017, Defendants, on behalf of both parties, requested the fourth adjournment of a settlement conference because 11 of the 22 plaintiffs had not provided settlement demands. On April 28, 2017, Plaintiffs' counsel provided settlement demands for six of those 11 plaintiffs. Because those demands were only recently provided to Defendants, counsel for defendants will not have settlement authority to proceed with the May 3rd conference. Additionally, five plaintiffs have still not provided settlement demands, despite Defendants' production of the medical records of all 22 Plaintiffs in this case. Defendants do not want to engage in piecemeal settlement discussions. Accordingly, Defendants do not believe a settlement conference would be productive at this time.

For the foregoing reasons, Defendants respectfully request that the Court convert the upcoming settlement conference to a status conference.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

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John L. Garcia  
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cc: Robert Marinelli, Esq. (by ECF)  
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